

[Title 19 ZONING](#)

Chapter 19.79 UTILITY AND FACILITY SYSTEM PLACEMENT REGULATIONS[19.79.010 Purpose.](#)[19.79.020 Definitions.](#)[19.79.030 Systems required to be underground.](#)[19.79.040 Exemptions.](#)[19.79.050 Notification of affected property owners.](#)[19.79.060 Excavation permit required.](#)**19.79.010 Purpose.**

The purpose of the utility and facility system replacement regulations codified in this chapter is to promote the health, safety and general welfare of the citizens of the county; preserve and protect existing aesthetics, property values, and quality of life within residential and other areas of the county; and provide notice to the county and affected property owners of new or upgraded utility or facility systems to allow an opportunity to determine if sufficient reason exists to require the systems to be installed underground and to determine if funds are available to pay for underground installation. (Ord. 1450 § 2, 1999: Ord. 1386 § 1 (part), 1997)

19.79.020 Definitions.

As used in this chapter, the following definitions shall apply:

“Accessory equipment” means the portion of the system including equipment sites, transformers, switchgear, pedestals, terminals, meters, buildings (substations), and other similar equipment that is normally installed aboveground in accordance with accepted practices of underground systems.

“Distribution system” means the portion of the system located between: (1) the service drop transformer and the distribution substation for electric service, (2) the service drop and the receive site (headend) for cable television, or (3) the service drop and the transmission system for telephone service.

“Facility company” means a company not regulated by the public service commission that provides a service including but not limited to cable television or telecommunications.

“Service drop” means the portion of the system located between the distribution system and wall of the building or structure occupied or intended to be occupied by a customer.

“System” means all poles, towers, wires, lines, cables, conduits, pipes and accessory equipment providing service such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution system, transmission system, and accessory equipment.

“Transmission system” means the portion of the system which is used to carry the service from points of generation or switching centers to distribution points such as electrical substations and equipment sites. In the case of electrical service, a transmission system is defined as carrying a voltage of forty-six KV or more.

“Utility company” means a company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas. (Ord. 1386 § 1 (part), 1997)

19.79.030 Systems required to be underground.

Unless exempted under Section 19.79.040 of this chapter, the following systems may be required to be installed underground:

- A. All new transmission systems installed after the effective date of the ordinance codified in this chapter.
- B. All upgraded transmission systems which would increase the height of poles from less than sixty-five feet to more than sixty-five feet above existing grade. (Ord. 1450 § 3, 1999: Ord. 1386 § 1 (part), 1997)

19.79.040 Exemptions.

The following systems are exempt from the provisions of Section 19.79.030 of this chapter:

A. Except as provided in Section 19.79.030(B) of this chapter, this chapter does not require the burial of any existing aboveground systems, nor does it prohibit or restrict the repair, relocation, maintenance, or replacement of any existing systems.

B. Aboveground installation of the following systems is permitted, subject to compliance with all other applicable statutes, ordinances, and regulations:

1. New service drops and/or distribution lines where service is available from existing aboveground systems;
2. Temporary systems required for construction projects not to exceed a period of twelve months;
3. Street light poles, light rail overhead catenary, wireless telecommunications towers, and accessory equipment;
4. Transmission systems installed in the two main north-south transmission corridors, as identified on the map entitled "main north-south electrical transmission corridors" on file with the planning and development services division.

C. In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist such that the installation of a system would have minimal visual, health, or safety impact on the public, variations or exceptions to the requirements of this chapter may be approved by the county mayor or designee; provided, that the variations and exceptions are consistent with the purposes of this chapter.

D. In cases where the county mayor or designee determines that insufficient funds are available to pay for the incremental costs of underground installation of a system or determines that the public benefit to be derived from underground installation is not cost effective or is otherwise not in the public interest:

1. The county mayor or designee shall give notice to the utility or facility company that the county will not require the underground installation and will not pay the incremental costs of underground installation of the system:

- a. Within ninety days after notice is given under Section 19.79.050 of this chapter in the case of a new transmission system; and
- b. Within sixty days after notice is given under Section 19.79.050 of this chapter in the case of a new distribution system or an upgraded transmission system which would increase the height of poles from less than sixty-five feet to more than sixty-five feet above existing grade.

2. If the county mayor or designee has not given notice to the utility or facility company regarding underground installation as provided in subsection (D)(1) of this section it shall be deemed that the county mayor has determined that insufficient funds are available to pay for the incremental costs of underground installation or has determined that the public benefit to be derived from underground installation is otherwise not in the public interest. (Ord. 1473 (part), 2001; Ord. 1450 § 4, 1999; Ord. 1386 § 1 (part), 1997)

19.79.050 Notification of affected property owners.

Prior to beginning a project involving the installation or upgrading of four or more poles, a utility/facility company providing electrical power for general consumption shall send written notification of the project to all adjacent property owners and the director of public works. The purpose of such notification is to allow the county and potentially affected property owners to determine whether there are reasons to require the underground installation of the system, to determine whether sufficient funds are available to pay the incremental costs of underground installation of the new or upgraded system, and provide the county the opportunity to meet with the company to discuss the project. Such notification shall include a full description of the project including, but not limited to: (1) the need for the project, (2) location of the project, (3) height, width, type and general location of poles, and (4) amount of voltage. Failure of property owners to receive notice of the project shall in no way affect the validity of action taken. Failure to reach an agreement within the sixty-day period shall not be grounds for the delay of the project. Notification is not required for emergency projects, relocations, replacements and systems which are exempt under Section 19.79.040 of this chapter except for an exemption resulting after notification under Section 19.79.040(D) of this chapter. (Ord. 1450 § 4, 1999; Ord. 1386 § 1 (part), 1997)

19.79.060 Excavation permit required.

All underground systems to be installed in the right-of-way of any county road shall be made in accordance with the provisions of Chapter 14.16 of this code, Excavations. (Ord. 1386 § 1 (part), 1997)